

BILL NO. G-95-08-08

GENERAL ORDINANCE NO. G- 08-96

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating an alley thereof.

WHEREAS, a petition to vacate an alley within the City of Fort Wayne (as more specifically described below) was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing thereon; and

WHEREAS, said Commission has duly forwarded its recommendation to this body approving said petition, and this body having held a public hearing on said vacation as provided in I.C. 36-7-3-12; and

WHEREAS, this body concurs in the recommendation of the City Planning Commission.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate an alley within the City of Fort Wayne, more specifically described as follows, to-wit:

An alley which runs east and west between Lafayette Street and Clay Street, Fort Wayne, Indiana.

and which vacating amends the Thoroughfare Plan of the City Comprehensive ("Master") Plan and is hereby approved in all respects.

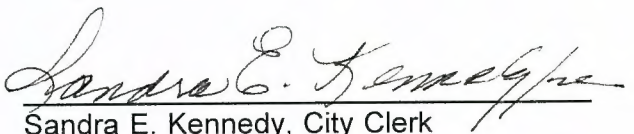
SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, any and all necessary approval by the Mayor.


COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:


J. TIMOTHY MCCAULAY, CITY ATTORNEY

** Public hearing to be held on Tuesday,
the 26th day of March, 1996,
in the Council Chambers.


Sandra E. Kennedy, City Clerk

FACT SHEET

G-95-08-08

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE APPROVAL DEADLINE REASON

Alley Vacation Ordinance

DETAILS

POSITIONS

RECOMMENDATIONS

Specific Location and/or Address

The east/west alley between Clay and Lafayette Streets, south of Jefferson Bl.

Reason for Project

This vacation would help to facilitate the construction of the new St. Mary's Church.

Discussion (Including relationship to other Council actions)

18 September 1995 - Public Hearing

See Attached Minutes of Meeting

25 September 1995 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the following:

1) petitioner provide utility easements or relocations as needed, and

2) petitioner provide an ingress/egress easement to serve the parking at the rear of the property at 1120 Clay Street (Mr. Robert Carroll's property).

Of the seven (7) members present, six (6) voted in favor of the motion, the Chair did not vote. Motion carried.

Sponsor

City Plan Commission

Area Affected

City Wide

Other Areas

Applicants/Proponents

Applicant(s)
Catholic Diocese Fort Wayne-South Bend Inc
City Department

Other

Opponents

Groups or Individuals

Robert Carroll, 732 W State

Basis of Opposition

-felt vacation would prohibit access to Lafayette St from a property he owns at 1120 Clay Street.

Staff Recommendation

☒ For ☐ Against

Reason Against

Board or Commission Recommendation

By

☒ For ☐ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

CITY COUNCIL ACTIONS (For Council use only)

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

Members Present: Ernest Evans, Thomas Quirk,
Dave Ross, Donald Schmidt, Carol Kettler Sharp,
Mel Smith, Vicky VerPlanck

MEmbers Absent: Linda Buskirk, James Hoch

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 26 June 1995

Projected Completion or Occupancy Date 20 February 1996

Fact Sheet Prepared by Patricia Biancaniello Date 20 February 1996

Reviewed By  Date 22 February 1996

Reference or Case Number

- a. Bill No. G-95-08-08 - Vacation Petition #593
An alley which runs east and west between Lafayette Street and Clay Street.

Phil Burt, attorney representing the petitioners, appeared before the Commission. Mr. Burt stated that since this case was heard just recently, he would not take up too much of the Commission's time. He stated that this has been routed through the engineering departments. He stated that the only objection was from Water Pollution Control Engineering. He stated that they have met with WPCE and they have approved the requested vacation as of 9/7/95. He stated that they are asking for the vacation in order to help facilitate the construction of St. Mary's Church. He stated it will be a smaller church and set on the north side of the existing alley. He stated that the south side of the property will be used for parking. He stated that the entrances on either end of the alley will not be closed. He stated that per the staff discussions they will cooperate and give easements where necessary. He stated that at the public hearing in August a Mr. Robert Carroll appeared and stated that he owned a duplex at the end of Clay Street just off of the alley. He stated that if he needs an easement for access they will include his request in the easements.

Mr. Robert Carroll, 732 W State Bl, appeared before the Commission. Mr. Carroll explained that he was the owner of the duplex at 1120 Clay Street, which abuts the alley in question. He stated that his concern would be that if the alley were to be closed he would lose access to Lafayette Street. He stated that there is no parking on Clay Street. He stated that he is required to maintain 3 parking spaces on premises for the use of the residents of the duplex. He stated that it is very important that this be kept open. He stated that he would like to see a permanent recorded easement, giving him the right to enter and exit on both sides of the alley, Lafayette and Clay Street. He stated that he would like the easement to run with the property. He stated that he is concerned about losing City maintenance on the alley.

Pat Fahey, Senior Planner with C&ED, questioned if the duplex was rented.

Mr. Carroll stated that they are currently being renovated.

Mr. Fahey stated that when they went out to the site they had difficulty locating the parking.

Mr. Carroll stated that there is some gravel down.

Mr. Fahey questioned that if he were granted an easement why would he need access from Lafayette Street.

Mr. Carroll stated that he felt it would cause them difficulty accessing the property if the Lafayette Street entrance was closed. He stated that he usually enters from Lafayette Street.

Mr. Fahey questioned whether he would be upgrading the parking for the duplex.

Mr. Carroll stated that he is going to remove the remains of the garage and replace it entirely with gravel.

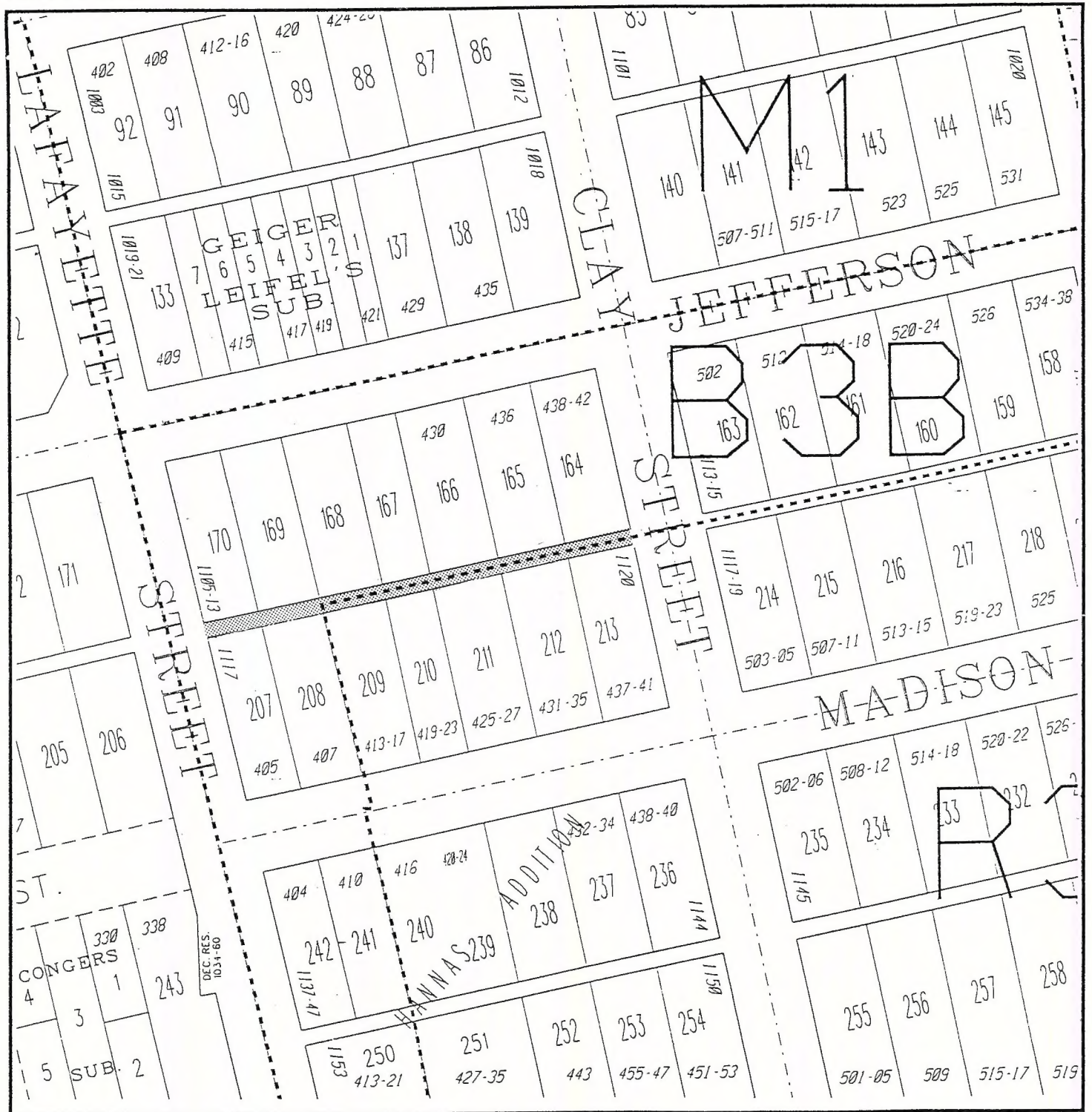
In rebuttal Mr. Burt stated that they would take responsibility for the maintenance of the alley.

There was no one else present who spoke in favor of or in opposition to the proposed vacation.

VACATION PETITION

AREA MAP

CASE NO. #593



COUNCILMANIC DISTRICT NO. 1

Map No. N - 6
LW 5-22-95

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

Read the first time in full and on motion by Parsons,
and duly adopted, read the second time by title and referred to the
Committee on Legislation (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on _____, 19____, the _____ day of
_____, M., E.S.T.

DATED: 8-8-95 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Parsons,
and duly adopted, placed on its passage. PASSED LOST
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS	<u>✓</u>			
HALL	<u>✓</u>			
HAYHURST				<u>✓</u>
HENRY	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

DATED: 3-26-96 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 9-08-96
on the 26th day of March, 1996

ATTEST: (SEAL)
Sandra E. Kennedy DD Schuman
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 27th day of March, 1996,
at the hour of 11:00 o'clock PM, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 27th day of March,
1996, at the hour of 12:30 o'clock PM, M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 14985

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.,

6/26 19 95

RECEIVED FROM

St Mary's Catholic Church \$ 200.00

THE SUM OF

Two hundred and 00/100

DOLLARS

ON ACCOUNT OF

Religious vacation

#11694

PAID BY: CASH ☐ CHECK ☒ M.O. ☐

Kathleen Evans

AUTHORIZED SIGNATURE



Vacation Petition

Community & Economic Development / 1 Main Street Rm. 830
Fort Wayne, IN 46802 / (219) 427-1140

I/We do hereby petition to vacate the following:

☐ Plat or portion of plat ☐ Easement ☒ Public Right-of-Way (street or alley)

More particularly described as follows:

Alley which runs East and West between Lafayette Street and Clay Street, Fort Wayne, Indiana.

(Please attach a legal description of the property)

The reasons for the proposed vacation are as follows:

St. Mary's Catholic Church was destroyed by fire. A new, smaller church structure will be constructed with a new parking lot. The vacated alley will become part of the parking lot.

(If additional space is needed please attach a separate page)

Property owner(s) name(s): Catholic Diocese Fort Wayne-South Bend, Inc.

Street Address: 430 East Jefferson Street

City: Fort Wayne State: IN Zip: 46802 Phone: 424-8231

(If additional space is needed please attach a separate page)

Applicants Name (if different from above): Same

Street Address:

City: State: Zip: Phone:

I/We, your petitioners, file this petition pursuant to the authority granted in Indiana Code, and provisions of local ordinance. I/We agree to abide by all provisions of the Fort Wayne Zoning Ordinance and/or Subdivision Control Ordinance, as well as all procedures and policies of the Fort Wayne City Plan Commission as those provisions, and policies relate to the handling and disposition of this petition. I/We also certify that this information is true and accurate to the best of my/our knowledge.

Signature J. PHILIP BURT

Printed Name

Date

ATTORNEY FOR ST. MARY'S CHURCH

1000 Standard Federal Plaza

Address

Fort Wayne, Indiana 46802

City/state/zip

Signature

Printed Name

Date

Address

City/state/zip

RESOLUTION 82-166-5

WHEREAS, CATHOLIC DIOCESE FORT WAYNE-SOUTH BEND, INC., has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated alley situated in Fort Wayne, Allen County, to-wit:

An alley which runs east and west between Lafayette Street and Clay Street, Fort Wayne, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated alley or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, C. JAMES OWEN ^{MEMBER}, ~~Director~~ of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held WED., FEB. 14, 1996 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 14 DAY OF FEBRUARY 1996

FORT WAYNE BOARD OF PUBLIC WORKS

Linda Buskirk
Chairman, Board of Public Works

C. James Owen
Member, Board of Public Works

Terrance P. McCaffrey
Member, Board of Public Works

RESOLUTION

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An alley which runs east and west between Lafayette Street and Clay Street, Fort Wayne, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said public hearing was held on SEPTEMBER 18, 1995 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated alley.

WHEREAS, said vacation of dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated alley in Allen County, Indiana.

STATE OF INDIANA)

) SS:

COUNTY OF ALLEN)

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, September 25, 1995 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 9th DAY OF February 1996

FORT WAYNE CITY PLAN COMMISSION

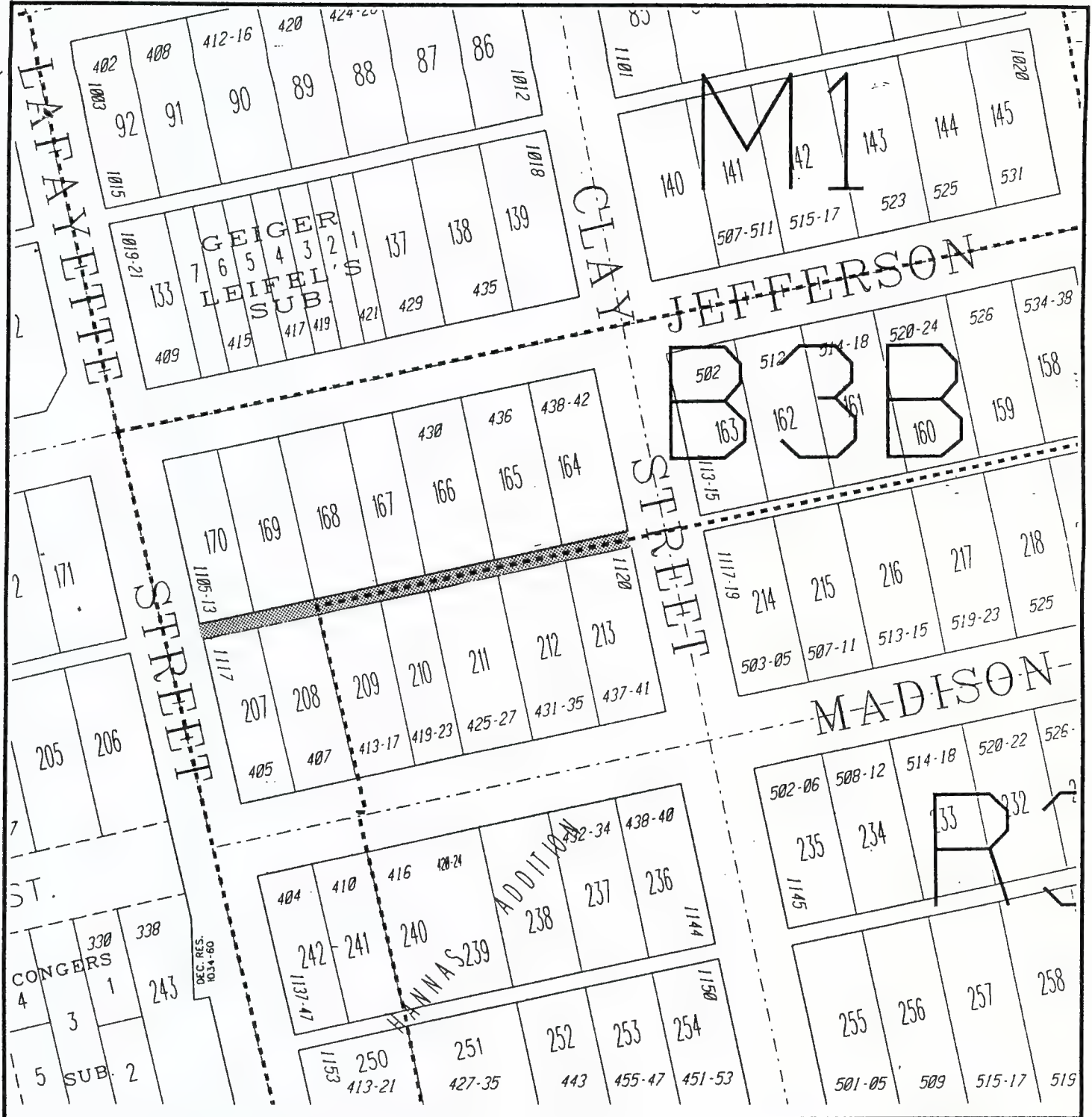


Carol Kettler Sharp
Secretary

VACATION PETITION

AREA MAP

CASE NO. #593



COUNCILMANIC DISTRICT NO. 1

Map No. N - 6

LW 5-22-95

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PUD	Planned Unit Dev.	POD	Professional Office District		

ORIGINAL

ORIGINAL

#593

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE An alley which runs east and west between Lafayette Street and Clay Street, Fort Wayne, Indiana.

2-95-08-08

EFFECT OF PASSAGE Property is currently dedicated public right-of-way. Property will be vacated and revert to the ownership of the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE) _____

BILL NO. G-95-08-08

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the Thoroughfare
Plan of the City Comprehensive ("Master") Plan by vacating an
alley thereof

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Rebecca Ravine

Thomas E. Hayhurst

John C. Murphy

Robert J. Seligson

James P. King

Richard M. ...

William R. Edmonds

DATED:

3-26-96

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

March 6, 1996

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the date of March 9, 1996,
in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-94-01-05
Street Vacation

Bill No. G-95-08-08
Alley Vacation

Please send us 3 copies of the Publisher's Affidavit from both
newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-95-08-08)

NOTICE IS HEREBY GIVEN THAT THE FORT WAYNE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, WILL CONDUCT A PUBLIC HEARING ON TUESDAY, MARCH 26, 1996, AT 5:30 P.M., (EST) IN THE COMMON COUNCIL CONFERENCE ROOM 128, CITY-COUNTY BUILDING, ONE MAIN STREET, FORT WAYNE, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

An alley which runs east and west between Lafayette Street and Clay Street, Fort Wayne, Indiana

ALL INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD.

"REASONABLE ACCOMMODATIONS" FOR PERSONS WITH A KNOWN DISABLING CONDITION WILL BE CONSIDERED IN ACCORDANCE WITH THE STATE AND FEDERAL LAW. ANY PERSON NEEDING A "REASONABLE ACCOMMODATION" SHOULD NOTIFY PUBLIC INFORMATION OFFICE (219) 427-1120, TTY (219)427-1200, AT LEAST SEVENTY-TWO (72) HOURS PRIOR TO THE MEETING.

SANDRA E. KENNEDY
CITY CLERK



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

March 6, 1996

J. Philip Burt, Attorney
1000 Standard Federal Building
Fort Wayne, Indiana 46802

(NOTICE OF PUBLIC HEARING ON BILL NO. G-95-08-08)

You are hereby notified that the Common Council of Fort Wayne, will conduct a public hearing on **Tuesday, March 26, 1996, at 5:30 P.M.**, in the Common Council Conference Room 128, 1st Floor, City-County Building, One Main Street, Fort Wayne, Indiana on the following:

the east/west alley between Clay and
Lafayette Streets, south of
Jefferson Bl. -- this vacation would
help to facilitate the construction
of the new St. Mary's Church

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

FORT WAYNE COMMON COUNCIL

Sandra E. Kennedy
City Clerk

FW COMMON COUNCIL
(Governmental Unit)

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

ALLEN County, Indiana

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of type in which the body of the advertisement is set)
-- number of equivalent lines

Head -- number of lines

Body -- number of lines

Tail -- number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

34 lines, 1 columns wide equals 34 equivalent lines
at .346 cents per line \$ 11.76

Additional charge for notices containing rule or tabular work
(50 percent of above amount)

Charge for extra proofs of publication (\$1.00 for each proof in excess of two) 1.00

TOTAL AMOUNT OF CLAIM \$ 12.76

DATA FOR COMPUTING COST

Width of single column 12.5 ems
Number of insertions 1
Size of type 6 point

Pursuant to the provisions and penalties of Chapter 155, Acts 1953,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date: MARCH 9, 19 96 Title: Julie L Rohyans Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)

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(BILL NO. G-95-08-08)

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SANDRA E. KENNEDY
CITY CLERK
#141641

3-9

) ss:
n County)

ersonally appeared before me, a notary public in and for said county and state, the
ersigned JULIE L ROHYANS who, being duly sworn, says that he/
is Clerk of the The Journal-Gazette newspaper of general
ulation printed and published in the English language in the (city) (town) of
ort Wayne, IN in state and county aforesaid, and that the printed matter
ched hereto is a true copy, which was duly published in said paper for
1 time , the dates of publication being as follows:

3-9-96

Subscribed and sworn to before me this 9th day of MARCH, 19 96.

Mary L Schneider
Notary Public

MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY

My commission expires:

MY COMMISSION EXP JUNE 14, 1997

PUBLISHER'S CLAIM

LINE COUNT

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Date: MARCH 9, 19 96

Title: Julie L Rohyans Clerk

PUBLISHER'S AFFIDAVIT

State of Indiana)
) ss:
Allen County)

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SANDRA E. KENNEDY
CITY CLERK
#141641

3--9

personally appeared before me, a notary public in and for said county and state, the undersigned JULIE L ROHYANS who, being duly sworn, says that he/ she is Clerk of the The News-Sentinel newspaper of general circulation printed and published in the English language in the (city) (town) of Fort Wayne, IN in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time , the dates of publication being as follows:

3-9-96

Subscribed and sworn to before me this 9th day of MARCH, 1996.

MARY L SCHNEIDER
Notary Public

MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997